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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,500	11/14/2000	Christine Van Broeckhoven	B0192/7019	9967

7590 02/26/2003

Elizabeth R Plumer  
Wolf Greenfield & Sacks  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, MA 02210-2211

EXAMINER

JOHANNSEN, DIANA B

ART UNIT	PAPER NUMBER
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1634

DATE MAILED: 02/26/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 1634

***Notice of Non-Responsive Amendment***

1. The reply filed on December 2, 2002, paper no. 19, is not fully responsive to the prior Office Action because of the following omission(s) or matter(s). See 37 CFR 1.111.

2. In response to the Election/Restriction of paper no. 17, Applicant has elected Group I, and has elected multiple YAC clones, each of which corresponds to several SEQ ID Nos. However, the Election/Restriction of paper no. 17 stated that:

It is noted that Groups I-II and IV-XII detailed above each read on numerous different molecules and polymorphisms. The numerous molecules and variants encompassed by the claims have different structures and different functional characteristics. A reference against one molecule or polymorphism would not be a reference against another, and the differing molecules/variants do not share a special technical feature within the meaning of PCT Rule 13.2. Accordingly, a further restriction is applied to each of Groups I-II and IV-XII. Depending on the Group elected, Applicant must further elect a single molecule (or combination of molecules) and/or a single polymorphism (or combination of polymorphisms). Applicant should specifically identify the molecule(s)/polymorphism(s) elected and the SEQ ID NOS corresponding thereto. For example, if Group I is elected, Applicant must further elect a single gene or variant (e.g., a variant comprising a particular polymorphism or polymorphisms), and further specify the SEQ ID NO or SEQ ID Nos (and YAC clone(s)) that include that gene or variant, as well as those primers that specifically amplify that variant (as set forth in, e.g., claim 28). It is further noted that the claims of the elected Group will be examined to the extent that they are drawn to the elected molecule(s)/polymorphism(s).

**This is not an election of species. Applicant is advised that examination will be restricted to only the elected molecule(s)/variant(s).**

3. The elected claims as written do not encompass the combination of the multiple clones elected by Applicant, and Applicants' response does not indicate that Applicant intends for the claims to be restricted to a combination of the various elected molecules. Rather, it appears that Applicant has elected multiple distinct molecules that are recited in the elected claims in the alternative, such that Applicants' election necessitates

examination of the claims to the extent that they are drawn to several distinct combinations (rather than a single combination, as required). Accordingly, Applicants' election is not fully responsive, as Applicant has elected multiple distinct molecules and combinations of polymorphisms, rather than the single molecule/combination or single polymorphism/ combination required by paper no. 17.

4. **In response to the instant requirement, Applicants should either:**

a) elect a single molecule/combination or polymorphism/combination, as required by paper no. 17; or

b) clearly elect a single combination of multiple YAC clones, and amend the claims such that they encompass such a combination.

5. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diana B. Johannsen whose telephone number is 703/305-0761. The examiner can normally be reached on Monday-Friday, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones can be reached at 703/308-1152. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703/872-9306 for regular communications and 703/872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/308-0196.

A handwritten signature in black ink, appearing to read "Diana B. Johannsen", with a long, sweeping horizontal stroke extending to the right.

Diana B. Johannsen  
February 21, 2003